

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re:)	MDL No. 1456
)	Civil Action No. 1:01-12257-PBS
)	
PHARMACEUTICAL INDUSTRY)	Subcategory No. 08-11200
AVERAGE WHOLESALE PRICE)	
LITIGATION)	
_____)	
)	
THIS DOCUMENT RELATES TO:)	
<i>United States ex rel. Linnette Sun</i>)	
<i>and Greg Hamilton v.</i>)	Judge Patti B. Saris
<i>Baxter Healthcare Corporation.</i>)	
)	

**NOTICE OF SUPPLEMENTAL AUTHORITY BY THE UNITED STATES
IN ADVANCE OF THE COURT HEARING ON APRIL 25, 2012**

In response to an electronic order issued by the Court on February 24, 2012, the United States filed a Statement addressing certain issues raised by relators Sun and Hamilton's request that the Court reconsider its Order granting partial summary judgment to Baxter Healthcare Corporation (Baxter). In responding to the Government's Statement, Baxter submitted to the Court a copy of the United States' appellate brief in *United States ex rel. Schweizer v. Oce N.V.* Case No. 11-7030 (C.A.D.C.). Attached hereto is the April 10, 2012 decision of the Court of Appeals for the D.C. Circuit in that matter. The decision addresses a point raised by the parties in the case at bar, particularly, whether a court may dismiss a relator's action in the context of a settlement with a defendant on a motion by the United States without providing a hearing to a relator pursuant to 31 U.S.C. § 3730(c)(2)(B).

Respectfully submitted,

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Dated: April 24, 2012

I hereby certify that I have this day caused an electronic copy of the above **NOTICE OF SUPPLEMENTAL AUTHORITY BY THE UNITED STATES IN IN ADVANCE OF THE COURT HEARING ON APRIL 25, 2012** to be served via the Court's CM/ECF system and I also caused it to be served on all counsel of record by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: April 24, 2012

/s/ Justin Draycott
Justin Draycott